

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, NOVEMBER 3, 2005, 1:00 P.M.**

CALL TO ORDER

Mareth Kipp, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: Pat Haukohl Walter Kolb
 Ellen Gennrich Betty Willert Gary Goodchild

Commission

Members Absent: Walter Baade

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager
 Kathy Moore, Senior Planner
 Atty. Debbie Price
 Elfriede Sprague, Clerk III

Guests Present: Michael Doble Tony Zanon Scott Beckwith
 John Baumann Mark Smith Marty and Terry Rozeski
 Atty. Dan Kay

CORRESPONDENCE: None

MEETING APPROVAL: None

- **Meeting Dates** - Schedule Park and Planning Commission Meeting Dates for January, February and March 2006.

January 19 February 2 and February 16 March 2 and March 16
--

MINUTES - None

PUBLIC COMMENT

Chairperson Kipp asked if anyone from the audience wished to address the Commission? There being no comment, Chairperson Kipp moved to the next item on the agenda.

SCHEDULED MATTER

- **1:00 p.m. County Fair Contract - Recap of Waukesha County Fair Contract by Pete Pulos, Enterprise Operations Manager**

Mr. Pulos distributed copies of the County Fair Agreement Summary of Changes 2006-2012 and the Waukesha County Fair Beverage Sale Contract Comparison – Actual vs. Projected spreadsheet and explained the major changes to the contract, which was recently adopted and approved. He explained that the 21-day limitation prior to events was too limiting by not allowing us to have any other

entertainment at the grounds, so it was changed to 14 days. The County will not claim any revenue rights to alcohol or beverage revenue sharing as in prior years. Per our records and in general, alcohol consumption has decreased in the past years, target projections have not been met, and County no longer wishes to rely on alcohol revenue. In lieu of the commission, the base rents have been increased. The fair will no longer charge admission to County or vendor employees working at the fair. It was felt charging admission to the alcohol vendors would have a negative correlation when the alcohol contract is bid out. Service equipment is no longer itemized; whatever is in stock will be given out. The County will no longer collect camping revenue, which amounted to about \$3,000.00 per year. The contract should be signed next week.

• **ZT-1596 (William Kothe) Town of Eagle, Section 34 (A-P Agricultural Land Preservation District to the RRE-1 Residential Rural Estate District)**

Mr. Mace presented the "Staff Report and Recommendation" dated November 3, 2005, and made a part of these Minutes. He pointed out the location of the property in the NW ¼ and SW ¼ of Section 34, T5N, R17E, on the east side of Shearer Road and south of C.T.H. "LO" in the Town of Eagle.

Mrs. Gennrich asked if the Staff knew why the trees were removed and bulldozed when a permit was not issued? Mr. Mace replied, "No, there was no Plat or zoning approval." Mrs. Kipp questioned the access point and who determined where it entered the subdivision? Mr. Mace replied he believed it was the Town Plan Commission. He presented the aerial on the GIS system and pointed out the trees, wooded areas, old fence line, and topography and commented the design is entirely contrary to good land planning principles. The Staff rejected the Preliminary Plat, which was submitted in June, for numerous reasons. It showed the entrance to the subdivision entering off of Annice Lane, which would require excessive grading and filling, and then running parallel to the steep slope and directly through the tree line. Mr. Mace outlined where he felt the entrance should enter the subdivision for topographical and safety reasons, saying it would have preserved the tree lines. The geometry of the road intersection at Annice Lane is on an 8% slope, which is barely within acceptable means, however Staff does not recommend it. Mrs. Haukohl asked if the rezone were approved, how much control would the County have over the planned development? Mr. Mace replied, "Very little", as it is a Town rezoning amendment and we can only approve or reject said amendment, not modify it. Mrs. Gennrich asked if the Town has a Tree Preservation Ordinance and what were they doing about the tree removal? Mr. Mace answered he was not sure if their Ordinance applied to this type of a tree line or just to Environmental Corridors. Mr. Goodchild commented the access road location appeared to be poor planning on the Town's part and wondered why the Town didn't place it in an area that wasn't so steep? Mr. Mace replied it was the Town who sent the rezone to us. The Staff is suggesting the street should run along a natural draw to the north while preserving the tree lines. Mrs. Kipp asked if there was a reason why the Town did not have the road come in north of the old farmstead? Mr. Mace replied neither he nor his Staff had spoken with the Town Plan Commission. The Town did not seem to have the same concerns as the Staff. Mrs. Gennrich questioned the Environmental Corridor on the property? Mr. Mace pointed out the Corridor at the rear of the lots on the east end of the property and commented it should not be an issue. There will be building pads and Environmental Corridor restrictions on the Final Plat.

Mr. Beckwith, the buyer, explained the farmer was a little overzealous in cutting down the tree line, however there were a lot of buckthorn and undesirable trees. An effort was made to save the mature trees. As a buyer, he was not concerned about losing the scrub trees. Mrs. Gennrich asked where did the

words “large stately trees”, in the Staff Recommendation come from? She did not consider buckthorn to be large and stately; were there originally ash, hickories, oaks, etc.? Mr. Mace replied, “From the neighbors”, and there is no way now of telling what the trees were as they have been cut down.

Mr. Beckwith explained his original concept did bring the access road into the subdivision per the Staff’s recommendation, however the Town Plan Commission did not want it there. During the last spring, there was flooding in that area as the hill is very steep and the Town would like to see a retention pond in that area. They felt having the entrance off of Shearer Rd. would create too many intersections. The Town Plan Commission dictated the access road location. Mrs. Kipp commented it was very poor planning that the two existing roads (Annice Road and Draeger Rd.) do not meet. Mr. Mace said that spacing is “contrary” to the Town’s comments about spacing. Mrs. Kipp asked if there was a way to work around where the proposed detention pond was going to be? Mr. Beckwith commented he was “handcuffed “ on the design, a Town Committee told him where to place the road. His original design did bring the entrance in off Shearer Rd.

Mrs. Haukohl questioned whether sending the request back to the Town with our concerns would help alleviate some of the problems? Mr. Beckwith commented that he has worked with the Town for over a year and they have told him what to do and has been agreeable to all their requests. The Commission felt it was a poor design and it was important the Town of Eagle be aware of the County’s concerns and review them.

After discussion, Mr. Goodchild moved, seconded by Mrs. Haukohl and carried unanimously to send the request back to the Town for review of the County’s concerns.

• **1:30 p.m. SCU-97C (Okauchee Lake Yacht Club) Towns of Oconomowoc and Merton, Sections 25 & 30**

Mr. Mace presented the “Staff Report and Recommendation” dated November 3, 2005, and made a part of these Minutes. He pointed out the location of the property in part of the NE ¼ of Section 25, Town of Oconomowoc and part of the NW ¼ of Section 30, Town of Merton and more specifically on Breezy Point Road on the aerial photograph and stated the petitioner is requesting to amend the existing Conditional Use to allow outside sailboat storage, filling and grading and to modify how special events are conditioned.

Atty. Debbie Price addressed the Commission and said she has reviewed the Staff Recommendation and suggests several changes to Conditions No. 1, 9c, and 18 of the “Staff Recommendation” and explained the reasoning for each. It was agreed to make the changes accordingly. Mrs. Kipp asked how loud was 35 decibels and thought it would be hard to maintain that level at the lot line? Mr. Mace replied it was a standard around the lake. She asked if the parking problem had been resolved? Mrs. Moore answered a new Parking Plan has been submitted that is acceptable.

Mr. Smith noted that Condition No. 11 requires written documentation from the DNR for the two buoys and would like the condition changed. He clarified the buoys are not used for boat anchorage but to temporarily tie off boats while sails are being lowered before proceeding to the pier. He is not aware of needing a permit for a buoy and dealing with the DNR is extremely tedious and difficult. Mr. Mace replied he believes there is a Pier Plan buoy requirement in the Administrative Code that has been adopted which would require a permit. Kathy Moore commented she has spoken with the DNR regarding the matter and is awaiting an answer as to whether a permit is needed. The permit issue needs

to be resolved and documentation placed in the file. Mr. Smith asked if the Club could have the requirement of combining the two parcels with a Certified Survey Map extended to December 1st of 2007? It would allow more time to budget the monies and proceed with the current landscaping. It was agreed to modify the condition to allow an extension if needed in the future. Mr. Smith presented the new Driveway Plan to the Commission and gave an overview of the changes. The new plan will provide more screening from the neighbors and a large vegetative buffer.

After discussion, Mrs. Haukohl moved, seconded by Mr. Kolb and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation" with a change to Conditions No. 1, 9c, 14 and 18, which shall now read:

- 1. The property and building be used only for Okauchee Lake Yacht Club functions, sailing school activities or boater safety classes. These functions currently include sailboat races, regattas, membership and committee meetings, club dinner dances, fish fries, luncheons and associated recreational activities. No other private events or special functions for Yacht Club members such as weddings, showers, etc., be allowed. A detailed list of all Okauchee Lake Yacht Club functions, sailing school activities and boater safety classes, shall be submitted to the Town of Oconomowoc Plan Commission and the Waukesha County Department of Parks and Land Use, Planning and Zoning Division Staff no later than May 1st of each calendar year. The Town and County shall review and act on the number and types of events. All club events shall be approved by the Town Plan Commission and the Staff of the Waukesha County Dept. of Parks and Land Use, prior to said event taking place. All events shall be for club members and their guests only.*
- 9. c. There shall be no other outside storage of boats on the property except during regattas, and during regattas for no more than four (4) consecutive days during the months of May through September.*
- 14. All of Lots 1, 2 and 3, comprising the property owned by the Yacht Club in both the Town of Oconomowoc and the Town of Merton, shall be combined by a Certified Survey Map (CSM) into one (1) parcel. This CSM shall be submitted to the Towns of Merton and Oconomowoc Plan Commissions and the Staff of the Waukesha County Dept. of Parks and Land Use, Planning and Zoning Division, no later than December 1st of 2006, unless otherwise extended by the Staff of the Waukesha County Dept. of Parks and Land Use, upon showing of cause. This condition is to eliminate the possibility that the Yacht Club use would be eliminated and the property be resold as individual lots of record.*
- 18. The Conditional Use Permit shall be subject to an annual review beginning March 1, 2006 and continuing each March 1st, thereafter. If at any time during the year the use of the property is not in substantial compliance with all terms of this Conditional Use or the conditions of the neighborhood changes, then, in that event, the Plan Commission for the Town of Oconomowoc and the Town of Merton and the Waukesha County Department of Parks and Land Use, Planning and Zoning Division Staff may add additional conditions or modify the conditions stated herein subject to the due process procedures. If said property remains in non-compliance for a substantial period of time, as determined by the Town Plan Commissions or the Waukesha County*

Park and Planning Commission, the Town may proceed with termination of the Conditional Use as set forth in the provisions of the Waukesha County Shoreland and Floodland Protection Ordinance.

The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SZ-1364A (Michael Doble) Town of Vernon, Section 10 (Amend Condition No. 5 of rezoning petition SZ-1364 to allow no more than seven lots to be created in the Wildwood Meadows Subdivision)**

Mr. Mace presented the “Staff Report and Recommendation” dated November 3, 2005, and made a part of these Minutes. He pointed out the location of the property in part of the NW ¼ of Section 10, T5N, R19E, Town of Vernon as Wildwood Meadows Subdivision.

Mr. Mace pointed out the main house on Mr. Doble’s property and the location of the guesthouse on the aerial photograph. He explained the County’s guesthouse provisions do not allow a separate building unless the requirements of the zoning code are met for double the width and area of the lot. Mr. Goodchild asked if it were possible to give Mr. Doble a Conditional Use Permit instead of having to amend the rezone? Mr. Mace replied, “No”, the Ordinance states that guesthouses can only be used for occasional use and the proposed six to nine months a year occupancy by Mr. Doble’s relatives is not occasional. Corporation Counsel has been consulted on the issue and concurs. The potential exists for the guesthouse to become a rental unit. Mr. Doble explained the guesthouse is an old barn, with a fieldstone foundation. His intent is to restore the old barn and convert it into living quarters for his in-laws. The footprint of the barn is 1,100 sq. ft., which would then be built up to contain one bedroom with a large master bathroom and great room with a large porch and kitchen. It is a stand-alone living unit. He would like to try to apply for a Conditional Use from the Town before having to re-divide his lot. If he were to divide the lot; 1) The County would loose control over this lot; and 2) If it were to become a primary lot, it would be subject to the subdivision’s deed restrictions, which would not allow the guesthouse, as the building is too small. Mrs. Gennrich asked if the guesthouse could be allowed without dividing his lot? Mrs. Haukhol replied that per the Ordinance “In-law suites require a Conditional Use Permit and are required to be attached to the primary residence on the property”. The issue is the guesthouse/in-law suite is not attached. Mr. Doble commented he would like the zoning on his property to be amended to allow for seven lots in the subdivision, then his lot would be in compliance with the guesthouse provision of the zoning code; however it would not allow his in-laws to live in the unit permanently. He would like approval without the requirement of having to subdivide his lot, as it would allow him to proceed with building the guesthouse and applying to the Town for an Occupancy Permit. He would then like to petition the County to amend the Ordinance to allow permanent occupancy under a Conditional Use. If his petition is denied, he has the ability to divide his property under a Certified Survey Map, which would allow his in-laws to live there. Currently both residences will share a well and septic system. The building will comply with all requirements of the R-1 zoning districts.

After discussion, Mr. Kolb moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned in accordance with the “Staff Report and Recommendation” with the elimination of the Staff’s Condition No. 5. The approval of this request, will allow the petitioner a reasonable use of his land and promote and meet the intent and purposes of all County Ordinances.

- **CZ-1578 (Jim Rozeski) Town of Vernon, Section 33 (A-2 Rural Home and RRD-5 Rural Residential Density 5 Districts to the A-3 Suburban Estate District)**

Mr. Mace presented the “Staff Report and Recommendation” dated November 3, 2005, and made a part of these Minutes. He pointed out the location of the property in part of the NW ¼ and SW ¼ of Section 33, T5N, R19E, Town of Vernon and explained the rezone is requested to allow for the development of a six-lot development.

Mr. Mace commented the property is actually two large parcels of land with a narrow strip connecting them. There is also a small portion of odd shaped land, which will hopefully be sold to its connecting neighbors. The property will become two separate parcels with two separate entrances. Mrs. Gennrich asked if any of the lots had high ground water? Mr. Rozeski replied soil borings have been taken and the lots have perked. Mr. Tony Zanon presented the proposed Subdivision Plat and explained the layout, drainage, Environmental Corridor, etc. The Indian mounds and Corridor will not be disturbed. Mrs. Kipp asked about the existing barns? Mr. Zanon replied at this point, they are staying up. The two small barns may be conveyed to proposed Lot 6. The remaining riding arena would be on the lot with the Environmental Corridor. Mrs. Haukohl suggested that a condition should be added to the Staff Recommendation stating, “All building envelopes shall remain outside the Environmental Corridor”. Mr. Mace agreed to add it to the Staff Recommendation. Mr. Goodchild noted there are two cul-de-sacs coming from the north and south and asked what the Town’s plans were? Mr. Zanon replied he was not sure of the Town’s intent. He has been working with one neighbor who had stormwater runoff issues to ensure the project does not create adverse drainage onto his property. That neighbor is at the bottom of a hill and when it rains, his mound system is surrounded by water. He continued to explain the Grading Plan, which the Town has already reviewed, Stormwater Plan, building pads, setbacks and easements.

After discussion, Mrs. Gennrich moved, seconded by Mrs. Willert and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **CU-674T (Jim Rozeski) Town of Vernon, Section 33**

Mr. Mace presented the “Staff Report and Recommendation” dated November 3, 2005, and made a part of these Minutes.

Mr. Mace stated the petitioner is requesting a Conditional Use to terminate an existing Conditional Use allowing the use as a horse boarding stable. The matter is related to CZ-1578. It was agreed to terminate the prior use.

After discussion, Mrs. Willert moved, seconded by Mrs. Gennrich and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and promotes and meets the intent and purposes of all County Ordinances.

- **Amend the Regional Water Quality Management Plan for the City of Oconomowoc**

Mr. Mace presented the “Amendment to the Regional Water Quality Management Plan for the City of Oconomowoc” dated September 2005, and made a part of these Minutes.

Mr. Mace indicated the purpose of the amendment is to include within the planned sewer service area certain lands located in the City of Oconomowoc. The amendment also includes a small portion of Jefferson County. Mrs. Gennrich was concerned with the area containing a large section of Environmental Corridor. Mr. Mace replied sewer mains typically are laid in the Corridor, however SEWRPC will not allow development in the Corridor at densities greater than one residential unit per five acres.

The other portion of the amendment is a modification of the Primary Environmental Corridor on the Pabst Farms Development area in the southeast quadrant of S.T.H. 67 and I-94. Mrs. Haukohl asked if the exchange of Environmental Corridor on Map No. 4 was equitable? Usually when creating EC, it should be with land that is comparable. Mr. Mace presented an aerial view of the area and pointed out the woods and slopes. He presented the aerial photos from the last 30 years and noted the changes to the topography. The pond on the parcel is a man made borrow pit. It was created sometime between 1965 and 1970 from freeway overpass construction. The removal of corridor around the pond and the addition of Corridor elsewhere is deemed an improvement as the expanded Corridor is in a more natural area.

After discussion, Mrs. Willert moved, seconded by Mr. Goodchild, and carried unanimously, for approval in accordance with the “Regional Water Quality Management Plan for the City of Oconomowoc”.

- **Amend the Regional Water Quality Management Plan for the City of Waukesha**

Mr. Mace presented the “Amendment to the Regional Water Quality Management Plan for the City of Waukesha” dated September 2005, and made a part of these Minutes.

Mr. Mace indicated the purpose of the amendment is to include within the planned sewer service area certain lands located in the vicinity of the intersection of C.T.H. “ES” and C.T.H. “U” in the southwest quarter of Section 1 in the Town of Vernon. The amendment is being made to comply with a condition of approval for “Waynze World”, (Slawson Enterprises CU-1386) a large athletic complex. The Wisconsin Administrative Code requires that holding tanks generating 3,000 gallons of waste per day or more be attached to a sewer service area of a public sewage treatment facility. This amendment meets the Conditional Use requirement.

After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild, and carried unanimously, for approval in accordance with the “Regional Water Quality Management Plan for the City of Waukesha”.

- **Stuart Drive) Town of Delafield, Section 24 (Establish road width right-of-way reduction from 60' to 40')**

Mr. Mace presented the “Staff Memorandum” dated November 3, 2005, and made a part of these Minutes. He pointed out the location of the property in part of the NW ¼ of Section 24, T7N, R18E, Town of Delafield.

Mr. Mace explained the County’s belief is that 66 ft. right-of-ways are not necessarily needed on all Town roads. Mr. Goodchild felt that a 40 ft. right of way was not enough due to utility needs. He cited instances where the width would not be adequate for utility construction; it was not just a matter of paved road width, but also the need for utility easements. After discussion, it was agreed the road reduction would not have an adverse effect on the area.

After discussion, Mrs. Gennrich moved, seconded by Mrs. Haukohl and carried unanimously for approval, in accordance with the “Staff Report and Recommendation” The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mr. Goodchild moved, seconded by Mr. Kolb to adjourn at 3:45 p.m.

Respectfully submitted,

Pat Haukohl
Secretary

PH:es